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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 4244**
Yoshihiko HIGUCHI et al. : Docket No. 2003-1789
Serial No. 08/959,125 : Group Art Unit 1743
Filed October 28, 1997 : Examiner Lyle ALEXANDER
DRY MEASURING TEST DEVICE : Mail Stop: **AF - AMENDMENT**

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated April 1, 2004 of the Primary Examiner finally rejecting claims 2-5 and 14-16.

- (X) A timely response to the final rejection has been filed.
- (X) The extension fee of **\$310.00** for a **second-month extension of time** is submitted with the attached Petition for Extension of Time. (A first-month extension of time was timely filed with the response to the final rejection.)
- (X) The Appeal Fee of [X] **\$330.00** (other than Small Entity)
[] \$165.00 (Small Entity)
- (X) **is enclosed.**
() is to be charged to Deposit Account No. 23-0975. The original and two copies of this sheet are enclosed.
- () Small entity status of this application is established by the verified statement under 37 CFR 1.9 and 1.27 which
() is enclosed.
() has been previously submitted.

() The Appeal Fee is not required since it was paid in a prior appeal.

Respectfully submitted,

Yoshihiko HIGUCHI et al.

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September 1, 2004

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975